



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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GENZYME CORPORATION, GENZYME  
SURGICAL PRODUCTS CORPORATION,  
DONALD P. ELLIOTT, LYNN HALSETH,  
NICHOLAS F. D'ANTONIO, and NICHOLAS  
J. D'ANTONIO

Plaintiffs,

v.

ATRIUM MEDICAL CORPORATION,

Defendant.

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Civil Action No.  
00-958-RRM (GMS) (MPT)

**JURY VERDICT FORM**

**Dated: November 25, 2002**

**JURY VERDICT**

You, the jury, are to answer the following questions based on the evidence at trial and according to the Instructions the Court has given you. Start with Question No. 1 and proceed through the questions following the directions included in this Verdict Form.

If you are unable, after due deliberation, to answer a particular question or questions, you may ask the Court for a clarification of your duties.

We, the jury, unanimously find as follows:

**I. INFRINGEMENT****A. The '844 Patent**

1. Has Genzyme proven by a preponderance of the evidence that the accused Atrium Express products infringe the following claims of the '844 patent?

	[For Genzyme]	[For Atrium]
Claim 5	Yes ____	No ____
Claim 6	Yes ____	No ____
Claim 12	Yes ____	No ____
Claim 13	Yes ____	No ____
Claim 16	Yes ____	No ____
Claim 21	Yes ____	No ____

**B. The '346 Patent**

2. Has Genzyme proven by a preponderance of the evidence that the accused Atrium Express products infringe the following claims of the '346 patent?

	[For Genzyme]	[For Atrium]
Claim 5	Yes ____	No ____
Claim 11	Yes ____	No ____

**C. The '370 Patent**

3. Has Genzyme proven by a preponderance of the evidence that the accused Atrium Express products infringe the following claims of the '370 patent?

	[For Genzyme]	[For Atrium]
Claim 1	Yes ____	No ____
Claim 6	Yes ____	No ____

**D. The '856 Patent**

4. Has Genzyme proven by a preponderance of the evidence that the accused Atrium Express products infringe the following claims of the '856 patent?

	[For Genzyme]	[For Atrium]
Claim 2	Yes ____	No ____
Claim 3	Yes ____	No ____
Claim 4	Yes ____	No ____

**E. The '531 Patent**

5. Has Genzyme proven by a preponderance of the evidence that the accused Atrium products infringe the following claims of the '531 patent?

	[For Genzyme]	[For Atrium]
Claim 1	Yes ____	No ____
Claim 16	Yes ____	No ____
Claim 17	Yes ____	No ____
Claim 18	Yes ____	No ____

**II. WILLFUL INFRINGEMENT**

6. If you found that Atrium's Express products infringe at least one claim of Genzyme's '844 patent, '346 patent, '370 patent, or '856 patent, has Genzyme proven by clear and convincing evidence that Atrium's infringement was willful?

	[For Genzyme]	[For Atrium]
The '844 patent	Yes ____	No ____
The '346 patent	Yes ____	No ____
The '370 patent	Yes ____	No ____
The '856 patent	Yes ____	No ____

7. If you found that any of Atrium's products infringes at least one claim of Genzyme's '531 patent, has Genzyme proven by clear and convincing evidence that Atrium's infringement was willful?

	[For Genzyme]	[For Atrium]
The '531 patent	Yes ____	No ____

**III. VALIDITY****A. The '844 Patent**

8. Has Atrium proven by clear and convincing evidence that the following claims of the '844 patent are invalid as anticipated under 35 U.S.C. § 102 by the Delta Medical reference?

	[For Atrium]	[For Genzyme]
Claim 12	Yes ____	No ____
Claim 13	Yes ____	No ____
Claim 16	Yes ____	No ____

9. Has Atrium proven by clear and convincing evidence that the following claims of the '844 patent are invalid as obvious under 35 U.S.C. § 103?

	[For Atrium]	[For Genzyme]
Claim 12	Yes ____	No ____
Claim 13	Yes ____	No ____
Claim 16	Yes ____	No ____

If you answered "YES" as to any claim, proceed to question 10. If you answered "NO" as to claims 12, 13, and 16, proceed to Question 11.

10. If you answered "YES" as to any claim in Question 9, indicate as to each the following prior art references that in combination render that claim obvious.

Prior Art Reference	YES	NO
Tamada I		
Tamada II		
Puderbaugh		
Enerson		

Proceed to question 11.

**B. The '531 Patent**

11. Has Atrium proven by clear and convincing evidence that the following claims of the '531 patent are invalid as anticipated under 35 U.S.C. § 102 by the Zuhdi-Kimmell regulator?

	[For Atrium]	[For Genzyme]
Claim 1	Yes ____	No ____
Claim 16	Yes ____	No ____
Claim 17	Yes ____	No ____
Claim 18	Yes ____	No ____

12. Has Atrium proven by clear and convincing evidence that the following claims of the '531 patent are invalid as obvious under 35 U.S.C. § 103 by the Zuhdi-Kimmell regulator?

	[For Atrium]	[For Genzyme]
Claim 1	Yes ____	No ____
Claim 16	Yes ____	No ____
Claim 17	Yes ____	No ____
Claim 18	Yes ____	No ____

**IV DAMAGES**

13. If you found that any of Atrium's products infringe at least one claim of any of Genzyme's patents and you did not find that claim invalid, what damages do you award Genzyme for Atrium's infringement?

\$ \_\_\_\_\_

You must sign this verdict form

Date: \_\_\_\_\_

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Signature of Foreperson  
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